

U.S. Department of Justice



United States Attorney
Southern District of New York

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June 26, 2007

By Facsimile

Honorable Kenneth M. Karas
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: United States v. Carlos Alberto Gutierrez,
07 Cr. 575 (KMK)

Dear Judge Karas:

The attached indictment was returned by the Grand Jury and assigned to Your Honor yesterday. I am writing to respectfully request that the Court schedule an arraignment and initial pretrial conference on July 12, 2007, at 11:00 a.m., which time I understand is convenient for the Court. I understand that Your Honor usually refers cases to the Magistrate Judge on duty for arraignment, but, due to the parties' schedules, I request that we hold the arraignment on July 12. (Counsel for defendant is not available June 28 or 29, and I am not available during the week of July 2, 2007.) In addition, the Government requests an exclusion of time under the Speedy Trial Act from today until the July 12 conference. Such an exclusion is in the interests of justice, and outweighs the defendant's and the public's interest in a speedy trial, because it will allow the Government to begin reviewing and producing discovery, which will be completed by July 13, 2007. I have spoken with Deirdre Von Dornum, counsel for defendant, and she has no objection to the Government's request for an exclusion of time or to the Government's request that we hold the arraignment on July 12, 2007.

Thank you for your consideration of these matters.

Very truly yours,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

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The Court will conduct the arraignment and hold the initial conference in this case on July 12, 2007, at 11 a.m. Time is excluded until July 12 for the reasons stated in the Government's letter, and in the interests of justice. See 18 USC § 3161(h)(1)(A).

SO ORDERED
interests of justice

KENNETH M. KARAS U.S.D.J.

6/26/07

cc: Deirdre D. Von Dornum, Esq.